

AMENDMENTS TO THE DRAWINGS

One new drawing sheet is attached including Figs. 1a, 1b and 1c.

One replacement sheet of drawings is attached, including Figs. 14 and 15.

The replacement sheet replaces all other drawings sheets including Figs. 14 and 15.

Figs. 14 and 15 are amended to be labeled as being --Prior Art--.

REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claim 17 is newly added and Claim 7 is canceled. Thus, Claims 1-6 and 8-17 are pending in this application, with Claim 1 being the only independent claim.

Claim 9 is amended to better recite the claimed subject matter. Claims 2 and 4 are amended to remedy an antecedent basis issue. Claim 8 is amended to depend from Claim 1.

On the top of page 2 of the Official Action, an issue is raised regarding the spacing between words in the Abstract of the Disclosure. Accordingly, a better spaced version of the Abstract of the Disclosure is submitted herewith. No substantive changes are made to the Abstract of the Disclosure.

Toward the middle of page 2 of the Official Action, a grammatical issue is raised with regard to Claims 1 and 2. Accordingly, Claims 1 and 2 are amended to address those formal matters without altering the scope of the claims.

On the middle of page 2 of the Official Action, an issue is raised regarding alternative language in Claims 5 and 6. Accordingly, Claims 5 and 6 are amended so that the claim language better conforms to U.S. standards, and Claim 17 is added to recite subject matter that was removed from Claim 6 so that the original scope of the claims is preserved.

On the bottom of page 2 of the Official Action, an issue is raised with regard to the drawings. Accordingly, Figs. 14 and 15 are amended to be labeled as "prior art" thereby addressing that issue.

Toward the middle of page 3 of the Official Action, an issue is raised with regard to the drawings illustrating every feature recited in the claims. Accordingly, as

noted above in connection with Claims 5 and 6, Figs. 1a, 1b and 1c are added and illustrate the subject matter in question.

On the top half of page 4 of the Official Action, Claims 5 and 6 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, allegedly, does not support the claim language directed toward an engaging portion that is formed circumferentially on the outer or inner wall surface of the tail plug while an engaging portion is formed circumferentially on the inner or outer wall surface of the barrel body, and that the barrel body is formed with a slit. The specification has been amended to refer to that subject matter and Figs. 1a, 1b and 1c are added to illustrate that subject matter. Attention is also directed to page 15, lines 20-25 of the present application. It is believed that the subject matter at issue is now adequately described in the present application. However, should the Examiner still believe that the subject matter at issue is not adequately described, it is requested that Applicant's representative be contacted to resolve the matter.

The Official Action rejects Claims 1, 2, 4, 7, 9 and 11-13 as being anticipated by U.S. Patent No. 3,468,612, hereinafter *Aston*.

The subject matter previously recited in Claim 7 is now included in Claim 1. Accordingly, the rejection of Claim 7 in the Official Action is addressed in connection with amended Claim 1.

Some of the presently claimed subject matter is directed toward a cartridge tank. Page 16 of the present application describes that the cartridge type applicator includes a cartridge tank 5 having a seal ball 19. The bottom of page 17 of the present application describes that the front part of the tank body 15 has a ball socket 28 into which the seal ball 19 is positioned, thereby serving as a sealing element. The ball socket 28 is formed in a turnup wall configuration so that a clearance 29 is

formed around the inner wall onto which the ball 19 abuts. The seal ball 19 is squeezed into socket 28 and fitted therein so that it can be displaced from the socket 28. Page 20 of the present application describes, in connection with Fig. 3, that before insertion of the cartridge tank 5, the seal ball 19 of the cartridge tank 5 has not yet come off from the socket 28 and abuts the inward opening in the front part of the barrel 2. It is advantageous that the socket 28 is formed as a turnup wall that defines a clearance 29 around the inner wall because the thickness of the inner wall which positions seal ball 19 can be made small or can be easily controlled. Therefore, the pressing force of the seal ball 19 onto the inner wall for placement or displacement can be relieved to clearance 29 located outside. As a result, the seal ball 19 can be squeezed into socket 28 with an appropriate pressing force while seal ball 19 can be easily pushed in from socket 28 when the cartridge tank is fitted.

Claim 1 broadly encompasses that subject matter and is directed toward a cartridge type applicator. The applicator has a hollow barrel body. An applying portion is provided so that part thereof is projected from the front end of the barrel body. A cartridge tank can be removably inserted from the rear end of the barrel body and can store the application liquid and supply the application liquid to the applying portion. A sealing plug constitutes the rear end wall of the tank. A rod member is attached to the sealing plug for causing the sealing plug to move in the axial direction of the tank. An actuator is for causing the rod member and the sealing plug to move in the axial direction by rotation thereof. The tank has in the inner wall, at the front end part thereof, a socket for a removable sealing element which seals the front end opening and the inner wall of the socket is formed in the turnup wall configuration in which clearance is formed around the inner wall.

Aston discloses a cosmetic applicator having a replaceable cartridge. A cartridge body 5 has an elongated cylindrical section 20 merging with a reduced diameter cylindrical section 21 that is adapted to fit within the counterbore 11 of the nose 2. In column 3, lines 1-16, *Aston* describes that the cartridge is provided with an end opening 29 that is centrally located within an end flange 30 and that within the reduced section 22 is provided a membrane 31. Upon assembly of the cartridge with the nose piece, a piercing member 18 penetrates the membrane 31 thereby opening the end reservoir to passage of the fluent material. As shown in Fig. 1 of *Aston*, it appears that the piercing member 18 is a needle type device.

The Official Action relies on the membrane 31 for a disclosure of the claimed removable sealing element, and the end opening 29 for a disclosure of the claimed turned up wall configuration. However, it is clear that the membrane 31 is not removable, as it is stated by *Aston* that the membrane is pierced, and shown in Fig. 1 of *Aston*, that the piercing member 18 penetrates through the membrane 31. Also, there is no disclosure in *Aston* that the end opening 29 has the claimed turned up wall configuration. For at least those reasons, *Aston* does not disclose or suggest the claimed subject matter relating to at least the removable sealing element or the turned up wall configuration as claimed. Further, *Aston* teaches away from a removable sealing element because *Aston* does not disclose removing the membrane 31, but rather piercing the membrane 31.

Claims 2-6 and 8-17 are allowable at least by virtue of their dependence from allowable independent Claim 1.

For the reasons stated above, it is requested that all the objections and rejections be withdrawn and that this application be allowed.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 18, 2005

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Attachments: One sheet new drawing (Figs 1a-1c)
One sheet replacement drawing (Figs. 14 and 15)